



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

BURGWYN *v.* JONES *et al.*

June 13, 1912.

[75 S. E. 188.]

1. **Frauds, Statute of (§ 76*)—Parol Partnership Agreement.**—A parol agreement, which creates a partnership for the purchase and sale of real estate for speculation and for the division of the profits among the partners, is valid, notwithstanding the statute of frauds, and the existence of the firm and the interest of the partners may be proved by parol.

[Ed. Note.—For other cases, see *Frauds, Statute of*, Cent. Dig. §§ 135-139; Dec. Dig. § 76.* 14 Va.-W. Va. Enc. Dig. 482.]

2. **Frauds, Statute of (§ 76*)—Parol Partnership Agreement—“Agreement for the Sale of Real Estate.”**—A parol agreement, creating a partnership and giving the partners an interest in real estate owned by a partner at the time of the formation of the firm is an agreement for sale of real estate, within the statute of frauds, and is void.

[Ed. Note.—For other cases, see *Frauds, Statute of*, Cent. Dig. §§ 135-139; Dec. Dig. § 76.* 6 Va.-W. Va. Enc. Dig. 583.]

Appeal from Circuit Court, Nottoway County.

Suit by C. P. E. Burgwyn against W. I. Jones and others. From a decree of dismissal, plaintiff appeals. Affirmed. CARDWELL, J., absent.

Chas. E. Plummer, for appellant.

W. Moncure Gravatt, T. Freeman Epes, and H. H. Watson, for appellees.

MULLINS *v.* COMMONWEALTH.

June 18, 1912.

[75 S. E. 193.]

1. **Criminal Law (§ 366*)—Evidence—Admissibility—Res Gestæ.**—The declarations of deceased, shortly before leaving home on a trip, during which it was claimed he was murdered, that he was going for whiskey, and that accused was going with him, not made in the presence of accused, were incompetent, not being a part of the *res gestæ*.

[Ed. Note.—For other cases, see *Criminal Law*, Cent. Dig. §§ 806, 811, 814, 819, 820; Dec. Dig. § 366.* 11 Va.-W. Va. Enc. Dig. 922.]

2. **Homicide (§ 188*)—Evidence—Motive.**—Testimony that accused had been indicted for another crime, and that prosecutor intended to

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.